



Monday
April 26, 1999

Part XLIX

**Department of
Defense
General Services
Administration
National Aeronautics
and Space
Administration**

**Federal Acquisition Regulation;
Semiannual Regulatory Agenda**

**DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)**

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Ch. 1

Semiannual Regulatory Agenda

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in compliance with Executive Order 12866 "Regulatory Planning and Review." This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process. The Federal Acquisition Regulation (FAR) Secretariat has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no

legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

FOR FURTHER INFORMATION CONTACT: Ms. Laurie Duarte, FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of Federal Acquisition Circulars (FACs).

Dated: February 22, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3997	FAR Case 97-033, Pollution Control and Clean Air and Water	9000-AI19
3998	FAR Case 98-400, Progress Payments and Related Financing Policies	9000-AI27
3999	FAR Case 98-603, Contractor Liability for Loss of and/or Damages to Household Goods	9000-AI28

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4000	FAR Case 98-013, Very Small Business Concerns	9000-AI29
4001	FAR Case 98-301, Compensation for Senior Executives	9000-AI32

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4002	FAR Case 89-093, Implementation of the Anti-Lobbying Statute	9000-AD76
4003	FAR Case 91-078, Small Business Subcontracting Reporting	9000-AG04
4004	FAR Case 94-753, Travel Costs	9000-AG27
4005	FAR Case 96-308, Implementation of Commercially Available Off-the-Shelf Item Acquisition Provisions of the Federal Acquisition Reform Act	9000-AH25
4006	FAR Case 97-024, Foreign Acquisition	9000-AH30
4007	FAR Case 97-603, Empowerment Contracting	9000-AH58
4008	FAR Cases 97-004A and 97-004B, Reform of Affirmative Action in Federal Procurement	9000-AH59
4009	FAR Case 95-013, Government Property	9000-AH60
4010	FAR Case 96-023, Clause Flowdown-Commercial Items	9000-AH69
4011	Federal Acquisition Regulation; Progress Payments	9000-AH70
4012	FAR Case 97-031, Value Engineering Change Proposals	9000-AH84
4013	FAR Case 96-018, Use of Brand Name Item Descriptions	9000-AH85
4014	FAR Case 97-032, Relocation Costs	9000-AH96
4015	FAR Case 97-038, Evaluation of Proposals for Professional Services	9000-AI07
4016	FAR Case 98-007, Competition Under Multiple Award Task and Delivery Order Contracts	9000-AI08
4017	FAR Case 97-304, Electronic Commerce in Federal Procurement	9000-AI10
4018	FAR Case 98-004, OMB Circular A-119	9000-AI12
4019	FAR Case 98-611, Evaluation Boards	9000-AI13

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Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
4020	FAR Case 97-003, Taxpayer Identification Numbers (TINS)	9000-AI14
4021	FAR Case 98-602, Javits-Wagner-O'Day Proposed Revisions	9000-AI16
4022	FAR Case 98-002, Conditionally Accepted Items	9000-AI17
4023	FAR Case 97-307, HUBZone Program	9000-AI20
4024	FAR Case 98-014, Increased Payment Protection	9000-AI21
4025	FAR Case 97-043, Cost-Reimbursement Architect-Engineer Contracts	9000-AI22
4026	FAR Case 98-003, Cost Accounting Standards Post-Award Notification	9000-AI23
4027	FAR Case 98-006, Interest and Other Financial Costs	9000-AI24
4028	FAR Case 97-030, Conforming Late Offer Treatment	9000-AI25
4029	FAR Case 98-606, Option Clause Consistency	9000-AI26

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4030	FAR Case 89-12, Pay-As-You-Go Pension Costs	9000-AC90
4031	FAR Case 91-118, Payment by Electronic Fund Transfer	9000-AG49
4032	FAR Case 95-020, Costs Related to Legal/Other Proceedings	9000-AH05
4033	FAR Case 96-011, No-Cost Value Engineering Change Proposals	9000-AH37
4034	FAR Case 96-009, Contract Quality Requirements	9000-AH61
4035	FAR Case 94-610, EO 12933, Nondisplacement of Qualified Workers Under Certain Contracts	9000-AH62
4036	FAR Case 97-015, Alternative Dispute Resolution—1996	9000-AH72
4037	FAR Case 97-011, Evidence of Shipment in Electronic Data Interchange Transactions	9000-AH73
4038	FAR Case 97-016, Contractor Purchasing System Review Exclusions	9000-AH82
4039	FAR Case 97-303, Limitation on Allowability of Compensation for Certain Contractor Personnel	9000-AH90
4040	FAR Case 97-027, Mandatory Government Source Inspection	9000-AH94
4041	FAR Case 97-036, Civil Defense Costs	9000-AH95
4042	FAR Case 96-013, Review of FAR Representation	9000-AH97
4043	FAR Case 97-040, Business Class Air Fare	9000-AH98
4044	FAR Case 96-610, Rehabilitation Act, Workers With Disabilities	9000-AH99
4045	FAR Case 98-001, Recruitment Costs Principle	9000-AI06
4046	FAR Case 97-302, Service Contracts	9000-AI09
4047	FAR Case 97-609, Payment Due Dates	9000-AI11
4048	FAR Case 98-607, Office of Contract Compliance Programs National Pre-Award Registry	9000-AI15
4049	FAR Case 98-016, Limits for Indefinite Quantity Contracts	9000-AI18
4050	FAR Case 98-612, Variation in Quantity	9000-AI30
4051	FAR Case 98-302, Waiver of Cost or Pricing Data for Subcontracts	9000-AI31

**DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)**
Proposed Rule Stage
**3997. • FAR CASE 97-033,
POLLUTION CONTROL AND CLEAN
AIR AND WATER**

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 1.106; 48 CFR 12.503; 48 CFR 12.504; 48 CFR 23.1; 48 CFR 52.223-1; 48 CFR 52.223-2

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to remove language pertaining to pollution control and clean air and water. The Environmental Protection Agency (EPA) is in the process of improving the communications systems relied on to identify facilities that may not be used in the performance of Government contracts because of their involvement in criminal violations of the Clean Air Act (CAA) or Clean Water Act (CWA). With these anticipated improvements,

EPA will be able to provide more up-to-date information about CAA and CWA criminal convictions for publication in the General Services Administration (GSA) List of Parties Excluded from Federal Procurement and Nonprocurement Programs. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

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Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
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RIN: 9000-AI19

3998. • FAR CASE 98-400, PROGRESS PAYMENTS AND RELATED FINANCING POLICIES

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 32; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to reduce the burdens imposed on contractors and contracting officers by the progress payment type of financing; to permit the use of performance-based payments in contracts for research and development, and contracts awarded through competitive negotiation procedures; to expand the use of

subcontractor performance-based or commercial financing payments; and to simplify and clarify related provisions. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	02/10/99	64 FR 6757
NPRM Comment Period End	04/12/99	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
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RIN: 9000-AI27

3999. • FAR CASE 98-603, CONTRACTOR LIABILITY FOR LOSS OF AND/OR DAMAGES TO HOUSEHOLD GOODS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47.207-7(e); 48 CFR 52.247-23(c)

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to standardize methods of calculating contractor liability for loss of and/or damage to shipments of household goods to conform to International Through Government Bill of Lading procedures. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	02/16/99	64 FR 7736
NPRM Comment Period End	04/19/99	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
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RIN: 9000-AI28

**DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)**

Final Rule Stage

4000. • FAR CASE 98-013, VERY SMALL BUSINESS CONCERNS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 5; 48 CFR 8; 48 CFR 12; 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement the Small Business Administration's Very Small Business Pilot Program (13 CFR parts 121 and 125). This regulatory action was not subject to Office of Management and

Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/04/99	64 FR 10535
Interim Final Rule Effective	03/04/99	
Interim Final Rule Comment Period End	05/03/99	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
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RIN: 9000-AI29

FAR

Final Rule Stage

4001. • FAR CASE 98-301, COMPENSATION FOR SENIOR EXECUTIVES**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-261**CFR Citation:** 48 CFR 31**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 804 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub L. 105-261). Section 804 revises the definition of "senior executive" at 10 U.S.C. 2324(1)(5) and at 41 U.S.C.

256(m)(2). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/04/99	64 FR 10547
Interim Final Rule Effective	03/04/99	
Interim Final Rule Comment Period End	05/03/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
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RIN: 9000-AI32**DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)**

Long-Term Actions

4002. FAR CASE 89-093, IMPLEMENTATION OF THE ANTI-LOBBYING STATUTE**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 101-121, Sec 319**CFR Citation:** 48 CFR 3; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 319 of PL 101-121, which added a new section 1352 to title 31 USC entitled "Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions." Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, or cooperative agreement, in excess of \$100,000, or a loan or Federal commitment to insure or guarantee a loan, in excess of \$150,000, must disclose lobbying with other than appropriated funds.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/30/90	55 FR 3190
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AD76**4003. FAR CASE 91-078, SMALL BUSINESS SUBCONTRACTING REPORTING****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)**CFR Citation:** 48 CFR 53.219**Legal Deadline:** None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing to amend FAR 53.219 to authorize the addition of a column to the Standard Form 295, Summary Subcontract Report, to report the number of subcontracts awarded to small business concerns, small disadvantaged business concerns, and women-owned small business enterprises. This regulatory action was not subject to Office of Management review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/26/94	59 FR 49037
NPRM Comment Period End	11/25/94	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
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RIN: 9000-AG04**4004. FAR CASE 94-753, TRAVEL COSTS****Priority:** Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: PL 103-355**CFR Citation:** 48 CFR 31.205-46

Legal Deadline: Final, Statutory, October 1, 1995.

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The Federal Acquisition Streamlining Act eliminated the statutory requirement to the travel cost principle concerning the Federal Travel Regulations. No regulatory implementation was required.

Abstract: This rule is issued pursuant to the Federal Acquisition Streamlining Act of 1994, Public Law 103-355 (the Act). The Federal Acquisition Regulatory Council is considering amending the Federal Acquisition Regulation (FAR) as a result of changes to 41 USC 22 by section 2191 of the Act. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. However, the proposed rule would permit contractors to propose alternative rates to those prescribed in the FTR/JTR.

Timetable:

Action	Date	FR Cite
NPRM	12/14/94	59 FR 64542
NPRM Comment Period End	02/13/95	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRs-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
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RIN: 9000-AG27

4005. FAR CASE 96-308, IMPLEMENTATION OF COMMERCIALLY AVAILABLE OFF- THE-SHELF ITEM ACQUISITION PROVISIONS OF THE FEDERAL ACQUISITION REFORM ACT

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: PL 104-106, sec 4203

CFR Citation: 48 CFR 2.101; 48 CFR 3.104-10(c); 48 CFR 3.503; 48 CFR 12.301; 48 CFR 12.7; 48 CFR 15.106-1; 48 CFR 19.508; 48 CFR 25.605; 48 CFR 27.409; 48 CFR 52.212-4; 48 CFR 52.212-00

Legal Deadline: NPRM, Statutory, September 7, 1996.

Abstract: The Federal Acquisition Regulatory Council solicited comments regarding the implementation of section 4203 of the Federal Acquisition Reform Act (Pub. L. 104-106)(the Act) with respect to Commercially Available Off-the-Shelf Item Acquisitions. The Act requires the FAR to list provisions of law that are inapplicable to contracts for the acquisition of commercially available off-the-shelf items. Certain laws have already been determined to be inapplicable to all commercial items as a result of the implementation of the Federal Acquisition Streamlining Act of 1994 (see FAR 12.503).

Timetable:

Action	Date	FR Cite
ANPRM	05/13/96	61 FR 22010
ANPRM Comment Period End	06/28/96	
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRs-FAR Secretariat), 18th & F Sts. NW., Washington, DC 20405
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RIN: 9000-AH25

4006. FAR CASE 97-024, FOREIGN ACQUISITION

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 15.106-1; 48 CFR 25; 48 CFR 52.225-1 to 52.225-18

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to rewrite guidance and clauses on foreign acquisition. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/28/98	63 FR 51642
NPRM Comment Period End	11/27/98	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRs-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
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RIN: 9000-AH30

4007. FAR CASE 97-603, EMPOWERMENT CONTRACTING

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 12.301; 48 CFR 14.206; 48 CFR 15.605; 48 CFR 26.3; 48 CFR 36.602; 48 CFR 52.226

Legal Deadline: None

Abstract: The Federal Acquisition Regulatory Council is proposing amendments to the Federal Acquisition Regulation (FAR) to establish phase one of an Empowerment Contracting Program that provides procurement incentives to both large and small businesses to encourage their activity in areas of general and severe economic distress. This action is being taken to implement Presidential Executive Order 13005 of May 21, 1996, entitled "Empowerment Contracting." On September 13, 1996, the Department of Commerce (DOC) published in the Federal Register proposed guidelines for implementing Executive Order 13005 in the FAR. The proposed

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amendments to the FAR that are being published here are largely based on those guidelines. This regulatory action was subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	04/18/97	62 FR 19200
NPRM Comment Period End	06/17/97	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Tribal, Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRs-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
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Fax: 202 501-4067

RIN: 9000-AH58

4008. FAR CASES 97-004A AND 97-004B, REFORM OF AFFIRMATIVE ACTION IN FEDERAL PROCUREMENT

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: PL 103-355, sec 7102

CFR Citation: 48 CFR 5.207; 48 CFR 6.203; 48 CFR 12.303; 48 CFR 14.206; 48 CFR 15.605; 48 CFR 15.608; 48 CFR 15.1002; 48 CFR 19; 48 CFR 52.219; 48 CFR 53; 48 CFR 1.106; 48 CFR 15.3; 48 CFR 52.212; 48 CFR 53.219; 48 CFR 53.302-312

Legal Deadline: None

Abstract: These interim rules have been issued to conform to a Department of Justice (DOJ) proposal to reform affirmative action in Federal procurement. DOJ's proposal is designed to ensure compliance with the constitutional standards established by the Supreme Court in *Adarand Constructors, Inc. v. Peña*, 115 S.Ct. 2097 (1995). The FAR proposed rule would establish three procurement

mechanisms benefiting small disadvantaged businesses (SDBs): (a) The first mechanism is a price evaluation adjustment of up to ten percent in certain two-digit Standard Industrial Classification (SIC) Major Groups authorized by the Administrator of the Office of Federal Procurement Policy (OFPP), this mechanism is effective October 1, 1998; (b) The second mechanism is a source selection evaluation factor or subfactor for planned SDB participation, primarily at the subcontract level, in the performance of a contract in the SIC Major Groups; (c) The third mechanism provides for a monetary incentive for subcontracting with SDBs. The last two mechanisms become effective January 1, 1999. This regulatory action was subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	05/09/97	62 FR 25786
NPRM Comment Period End	07/08/97	
Interim Final Rule 97-004A	06/30/98	63 FR 35719
Interim Final Rule 97-004B	07/01/98	63 FR 36120
Interim Final Rule 97-004C	09/30/98	63 FR 52426
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Tribal, Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRs-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
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RIN: 9000-AH59

4009. FAR CASE 95-013, GOVERNMENT PROPERTY

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45; 48 CFR 52

Legal Deadline: None

Abstract: The rule amends the Federal Acquisition Regulation (FAR) to simplify procedures and eliminate requirements related to the management and disposition of Government property in the possession of contractors. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	06/02/97	62 FR 30186
NPRM Comment Period End	08/15/97	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRs-FAR Secretariat), 18th & Streets NW., Washington, DC 20405
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RIN: 9000-AH60

4010. FAR CASE 96-023, CLAUSE FLOWDOWN-COMMERCIAL ITEMS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52.244-6

Legal Deadline: None

Abstract: This rule proposes amendments to the clause at FAR 52.244-6, Subcontracts for Commercial Items and Commercial Comments, to clarify that contractors are required to include, in subcontracts at any tier for commercial items or commercial components, the FAR clauses and

FAR

Long-Term Actions

provisions listed in the clause at FAR 52.244-6 and such other clauses and provisions as may be required by addenda, to the extent they are applicable or necessary to establish the reasonableness of prices under FAR part 15. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/23/97	62 FR 49903
NPRM Comment	11/24/97	
Period End		
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
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RIN: 9000-AH69

4011. FEDERAL ACQUISITION REGULATION; PROGRESS PAYMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC ch 137

CFR Citation: 48 CFR 32; 48 CFR 52

Legal Deadline: None

Abstract: The Director of Defense Procurement, Department of Defense, has established a special interagency team with participants from the OUSD (Comptroller), the Military Departments, the DLA, the DCAA, the DFAS, the DOE, and the NASA, that will review and rewrite FAR part 32 and part 52 provisions regarding Progress Payments to make them easier to understand and to minimize the burdens imposed on contractors and contracting officers. The Director of Defense Procurement will provide a forum for an exchange of ideas and information with government and industry personnel by holding at least one public meeting, soliciting public comments, and publishing notices of

public meetings in the Federal Register. Discussion will focus on draft revisions of FAR part 32, subpart 32.5, Progress Payments Based on Costs, and associated contract clauses and forms.

Timetable:

Action	Date	FR Cite
ANPRM	05/01/97	62 FR 23740
ANPRM Comment	05/30/97	
Period End		
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Michele P. Peterson, Executive Editor, Defense Acquisition Regulations Council, DOD/GSA/NASA (FAR), DOD(PDUSD(A&T)DP/CPF, Room 3C800, Defense Pentagon, Washington, DC 20301-3060
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RIN: 9000-AH70

4012. FAR CASE 97-031, VALUE ENGINEERING CHANGE PROPOSALS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 48; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to change the sharing periods and rates that contracting officers may establish for individual value engineering change proposals. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	08/12/98	63 FR 43236
NPRM Comment	10/13/98	
Period End		
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AH84

4013. FAR CASE 96-018, USE OF BRAND NAME ITEM DESCRIPTIONS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 11.104; 48 CFR 11.104-1; 48 CFR 11.104-2; 48 CFR 11.106; 48 CFR 13.106-2; 48 CFR 13.602; 48 CFR 52.211

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) parts 11 and 52 to provide for the use of brand name purchase descriptions, including "brand name or equal," "brand name-no substitute," and "brand name as target"; and to add two new related solicitation provisions. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	11/16/98	63 FR 63778
NPRM Comment	01/15/99	
Period End		
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AH85

FAR

Long-Term Actions

4014. FAR CASE 97-032, RELOCATION COSTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 00 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)**CFR Citation:** 48 CFR 31**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to remove the ceilings imposed on certain types of relocation costs; to permit reimbursement of relocation costs on an appropriate lump-sum basis; make allowable payments for spouse employment assistance and payments for increase employee income and social security taxes incident to allowable reimbursed relocation. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and this is not a major rule under 5 U.S.C. 804

Timetable:

Action	Date	FR Cite
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AH96**4015. FAR CASE 97-038, EVALUATION OF PROPOSALS FOR PROFESSIONAL SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)**CFR Citation:** 48 CFR 15.305; 48 CFR 37.115**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to provide guidance on the evaluation of proposals that include uncompensated overtime hours. This regulatory action was not subject to Office of

Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	08/24/98	63 FR 45112
NPRM Comment Period End	10/23/98	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI07**4016. FAR CASE 98-007, COMPETITION UNDER MULTIPLE AWARD TASK AND DELIVERY ORDER CONTRACTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 16**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to clarify the procedures governing placement of orders under multiple award indefinite delivery contracts. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/09/98	63 FR 48416
NPRM Comment Period End	11/09/98	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRs-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
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RIN: 9000-AI08**4017. • FAR CASE 97-304, ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-85, sec 850**CFR Citation:** 48 CFR 2; 48 CFR 4; 48 CFR 5; 48 CFR 13; 48 CFR 14; 48 CFR 32**Legal Deadline:** Final, Statutory, May 16, 1998.

Abstract: This rule amends the Federal Acquisition Regulation to implement section 850 of the National Defense Act for FY 1998 (Pub. L. 105-85) to eliminate the preference for electronic commerce within Federal Acquisition Computer Network. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/30/98	63 FR 58590
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI10

FAR

Long-Term Actions

4018. • FAR CASE 98-004, OMB CIRCULAR A-119**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 11; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to address the use of voluntary consensus standards in accordance with the requirements of Office of Management and Budget (OMB) Circular A-119. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	12/10/98	63 FR 68344
NPRM Comment Period End	02/08/99	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI12**4019. • FAR CASE 98-611, EVALUATION BOARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 36.602-2**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to revise the coverage at 36.602-2, Evaluation Boards to specifically state that only individuals experienced in architecture, engineering, construction, and acquisition of architect-engineering services will serve as members of evaluation boards. This regulatory action is not subject to Office of

Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI13**4020. • FAR CASE 97-003, TAXPAYER IDENTIFICATION NUMBERS (TINS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 1.106; 48 CFR 4.203; 48 CFR 4.901 to 4.905; 48 CFR 13.106-3; 48 CFR 14.201-6; 48 CFR 15.209; 48 CFR 52.204-3; 48 CFR 52.214-2; 48 CFR 52.215-4**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement Subsection (i) of the Debt Collection Improvement Act of 1996 and section 1022 of the Taxpayer Relief Act of 1997, and to clarify the Government requirements for reporting of contract information and payment information to the Internal Revenue Service (IRS). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/30/98	63 FR 58587
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI14**4021. • FAR CASE 98-602, JAVITS-WAGNER-O'DAY PROPOSED REVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 8; 48 CFR 42**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to provide procedures for recognizing a name change or a successor in interest for Javits-Wagner-O'Day Act (JWOD) participating nonprofit agencies. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	10/27/98	63 FR 57568
NPRM Comment Period End	12/28/98	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI16

FAR

Long-Term Actions

4022. • FAR CASE 98-002, CONDITIONALLY ACCEPTED ITEMS**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 46**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to require that, when conditionally accepting nonconforming items, amounts withheld from payments should be at least sufficient to cover the cost and related profit to correct deficiencies and complete unfinished work; and that the basis for the amounts withheld shall be documented in the contract file. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	10/28/98	63 FR 57878
NPRM Comment Period End	12/28/98	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI17**4023. • FAR CASE 97-307, HUBZONE PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 5.207; 48 CFR 6.205; 48 CFR 6.302-5; 48 CFR 7.105; 48 CFR 8.404; 48 CFR 12.301; 48 CFR 13.003; 48 CFR 13.005; 48 CFR 14.206; 48 CFR 14.502; 48 CFR 15.503; 48 CFR 19; 48 CFR 52; 48 CFR 53

Legal Deadline: Final, Statutory, December 8, 1998.

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement revisions made to Small Business Administration (SBA) regulations covering the Historically Underutilized Business Zone (HUBZone) Program. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/18/98	63 FR 70265
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI20**4024. • FAR CASE 98-014, INCREASED PAYMENT PROTECTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 28; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to increase the required penal amount of payment bonds on construction contracts over \$6,250,000 and to allow the contracting officer to increase the amount of any payment bond or alternative payment protection to an amount not to exceed the contract price, if the contracting officer decides that a greater amount is appropriate. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	12/29/98	63 FR 71711
NPRM Comment Period End	03/01/99	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI21**4025. • FAR CASE 97-043, COST-REIMBURSEMENT ARCHITECT-ENGINEER CONTRACTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 36; 48 CFR 44; 48 CFR 49; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to provide guidance on the applicability of certain clauses to cost-reimbursement architect-engineer (A-E) contracts. This regulatory action was not subject to Office of Management review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	12/29/98	63 FR 71710
NPRM Comment Period End	03/01/99	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

FAR

Long-Term Actions

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RIN: 9000-AI22

4026. • FAR CASE 98-003, COST ACCOUNTING STANDARDS POST-AWARD NOTIFICATION

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to reduce the subcontractor information that a contractor is required to provide to its cognizant contract administration office (CAO) when requesting the CAO to perform administration for Cost Accounting Standards (CAS) matters. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	01/25/99	64 FR 3786
NPRM Comment Period End	03/26/99	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI23

4027. • FAR CASE 98-006, INTEREST AND OTHER FINANCIAL COSTS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to add interest charges or other amounts as a consequence of late contractor payments to the list of unallowable costs in the "Interest and Other Financial Costs" cost principle. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	01/29/99	64 FR 4760
NPRM Comment Period End	03/30/99	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI24

4028. • FAR CASE 97-030, CONFORMING LATE OFFER TREATMENT

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 12; 48 CFR 14; 48 CFR 15; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to align guidance regarding receipt of late offers for commercial, sealed bid, and negotiated acquisitions. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	01/27/99	64 FR 4248

Action	Date	FR Cite
NPRM Comment Period End	03/29/99	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI25

4029. • FAR CASE 98-606, OPTION CLAUSE CONSISTENCY

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 17; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to make the format of the Option to Extend Services clause in 52.217-8 consistent with the format of other FAR option clauses and to clarify that the time period for providing a preliminary notice of the Government's intent to exercise a contract option in the clause in FAR 52.217-9, Option to Extend the Term of the Contract, may be tailored. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	01/22/99	64 FR 3618
NPRM Comment Period End	03/23/99	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

FAR

Long-Term Actions

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RIN: 9000-AI26

**DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)**

Completed Actions

4030. FAR CASE 89-12, PAY-AS-YOU-GO PENSION COSTS

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 30; 48 CFR 31

Completed:

Reason	Date	FR Cite
Final Action	10/30/98	63 FR 58595
Final Action Effective	12/29/98	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AC90

4032. FAR CASE 95-020, COSTS RELATED TO LEGAL/OTHER PROCEEDINGS

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 31.205-47(b); 48 CFR 31.205-47(c); 48 CFR 31.205-47(e)(3)

Completed:

Reason	Date	FR Cite
Final Action	10/30/98	63 FR 58599
Final Action Effective	12/29/98	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AH05

4034. FAR CASE 96-009, CONTRACT QUALITY REQUIREMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 46; 48 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	12/18/98	63 FR 70289
Final Action Effective	02/16/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson
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RIN: 9000-AH61

4031. FAR CASE 91-118, PAYMENT BY ELECTRONIC FUND TRANSFER

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 32.11; 48 CFR 52.232

Completed:

Reason	Date	FR Cite
Final Action	03/04/99	64 FR 10538

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AG49

4033. FAR CASE 96-011, NO-COST VALUE ENGINEERING CHANGE PROPOSALS

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 48.104-3

Completed:

Reason	Date	FR Cite
Final Action	12/18/98	63 FR 70290
Final Action Effective	12/18/98	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson
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RIN: 9000-AH37

4035. FAR CASE 94-610, EO 12933, NONDISPLACEMENT OF QUALIFIED WORKERS UNDER CERTAIN CONTRACTS

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 22; 48 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	03/04/99	64 FR 10545

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson
Phone: 202 501-4755
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RIN: 9000-AH62

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4036. FAR CASE 97-015, ALTERNATIVE DISPUTE RESOLUTION—1996**Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 6.302-3; 48 CFR 24.202; 48 CFR 33.201; 48 CFR 33.204; 48 CFR 33.207; 48 CFR 33.214; 48 CFR 52.233-1**Completed:**

Reason	Date	FR Cite
Final Action	10/30/98	63 FR 58594
Final Action Effective	12/29/98	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Beverly Fayson
Phone: 202 501-4755
Fax: 202 501-4067**RIN:** 9000-AH72**4037. FAR CASE 97-011, EVIDENCE OF SHIPMENT IN ELECTRONIC DATA INTERCHANGE TRANSACTIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 52.247-48**Completed:**

Reason	Date	FR Cite
Final Action	12/18/98	63 FR 70291
Final Action Effective	02/16/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.**Agency Contact:** Laurie Duarte
Phone: 202 501-4755
Fax: 202 501-4067**RIN:** 9000-AH73**4038. FAR CASE 97-016, CONTRACTOR PURCHASING SYSTEM REVIEW EXCLUSIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 44.302; 48 CFR 44.303**Completed:**

Reason	Date	FR Cite
Final Action	12/18/98	63 FR 70288
Final Action Effective	02/16/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Beverly Fayson
Phone: 202 501-4755
Fax: 202 501-4067**RIN:** 9000-AH82**4039. FAR CASE 97-303, LIMITATION ON ALLOWABILITY OF COMPENSATION FOR CERTAIN CONTRACTOR PERSONNEL****Priority:** Other Significant**CFR Citation:** 48 CFR 31.205-6**Completed:**

Reason	Date	FR Cite
Final Action	12/18/98	63 FR 70287
Final Action Effective	02/16/99	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Laurie Duarte
Phone: 202 501-4755
Fax: 202 501-4067**RIN:** 9000-AH90**4040. FAR CASE 97-027, MANDATORY GOVERNMENT SOURCE INSPECTION****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 46**Completed:**

Reason	Date	FR Cite
Final Action	12/18/98	63 FR 70290
Final Action Effective	02/16/99	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Beverly Fayson
Phone: 202 501-4755
Fax: 202 501-4067**RIN:** 9000-AH94**4041. FAR CASE 97-036, CIVIL DEFENSE COSTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 31**Completed:**

Reason	Date	FR Cite
Final Action	10/30/98	63 FR 58599
Final Action Effective	12/29/98	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Laurie Duarte
Phone: 202 501-4755
Fax: 202 501-4067**RIN:** 9000-AH95**4042. FAR CASE 96-013, REVIEW OF FAR REPRESENTATION****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 1; 48 CFR 4; 48 CFR 12; 48 CFR 14; 48 CFR 19; 48 CFR 26; 48 CFR 27; 48 CFR 32; 48 CFR 41; 48 CFR 52**Completed:**

Reason	Date	FR Cite
Final Action	03/04/99	64 FR 10531
Final Action Effective	05/03/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.**Agency Contact:** Laurie Duarte
Phone: 202 501-4755
Fax: 202 501-4067**RIN:** 9000-AH97

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4043. FAR CASE 97-040, BUSINESS CLASS AIR FARE**Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 31**Completed:**

Reason	Date	FR Cite
Withdrawn	01/21/99	64 FR 3380

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Laurie Duarte

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RIN: 9000-AH98**4044. FAR CASE 96-610, REHABILITATION ACT, WORKERS WITH DISABILITIES****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 22; 48 CFR 52**Completed:**

Reason	Date	FR Cite
Final Action	10/30/98	63 FR 58598
Final Action Effective	10/30/98	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Laurie Duarte

Phone: 202 501-4755

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RIN: 9000-AH99**4045. FAR CASE 98-001, RECRUITMENT COSTS PRINCIPLE****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 31**Completed:**

Reason	Date	FR Cite
Final Action	03/04/99	64 FR 10547
Final Action Effective	05/03/99	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Laurie Duarte

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RIN: 9000-AI06**4046. • FAR CASE 97-302, SERVICE CONTRACTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 32; 48 CFR 37**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to expand the authority of the Department of Defense and the Coast Guard to enter into contracts that cross fiscal years. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Final Action	10/30/98	63 FR 58600
Final Action Effective	12/29/98	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405

Phone: 202 501-4755

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RIN: 9000-AI09**4047. • FAR CASE 97-609, PAYMENT DUE DATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 32**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to clarify that agencies may authorize amendment of the FAR payment clauses to specify a period shorter than 30 days for making contract invoice payments, provided such period is not less than 7 days. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Final Action	10/30/98	63 FR 58601
Final Action Effective	12/29/98	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI11**4048. • FAR CASE 98-607, OFFICE OF CONTRACT COMPLIANCE PROGRAMS NATIONAL PRE-AWARD REGISTRY****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 22; 48 CFR 52; 48 CFR 23; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to (1)inform the procurement community of the availability of the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) National Pre-Award Registry (Registry), accessible through the Internet, that contains contractor establishments who have received a pre-award clearance within the preceding 24 months, and the option to use information in the

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Registry in lieu of submitting a written request for a pre-award clearance; and (2) to implement revised Department of Labor (DOL) regulations pertaining to equal employment opportunity and affirmative action requirements for Federal contractors and subcontractors. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Final Action	12/18/98	63 FR 70282
Final Action Effective	02/16/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
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RIN: 9000-AI15

4049. • FAR CASE 98-016, LIMITS FOR INDEFINITE QUANTITY CONTRACTS

Priority: Info./Admin./Other

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 16.504

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to clarify guidance regarding how limits on indefinite quantity contracts are expressed. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Final Action	12/18/98	63 FR 70282
Final Action Effective	02/16/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
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RIN: 9000-AI18

4050. • FAR CASE 98-612, VARIATION IN QUANTITY

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 11; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to remove the requirement to include the clause at FAR 52.211-16, Variation in Quantity, in fixed-price solicitations and contracts that do not permit a variation in the quantity of supplies furnished under the contract. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Final Action	03/04/99	64 FR 10538
Final Action Effective	05/03/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no

paperwork burden associated with this action.

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RIN: 9000-AI30

4051. • FAR CASE 98-302, WAIVER OF COST OR PRICING DATA FOR SUBCONTRACTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-261, sec 805

CFR Citation: 48 CFR 15

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 805 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105-261). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Final Action	03/04/99	64 FR 10544
Final Action Effective	05/03/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI31

[FR Doc. 99-4911 Filed 04-23-99; 8:45 am]

BILLING CODE 6820-EP-F